

Restriction/Election

Restriction to one of the following inventions has been required under 35 USC 121:

- I. Claims 1-22 and 33-40, drawn to a method for treating a cancer patient comprising administering monoclonal antibody produced by ATCC clone PTA-4621 or a monoclonal antibody having the identifying characteristics of the monoclonal antibody produced by ATCC clone PTA-4621, classified in class 424, subclass 141.1.
- II. Claims 23-28, drawn to a process for mediating cytotoxicity of a human tumor tissue sample comprising administering a monoclonal antibody having the identifying characteristics of the monoclonal antibody produced by ATCC clone PTA-4621, classified in class 435, subclass 7.23.
- III. Claims 29-32, drawn to a process for detecting and isolating cells that express a CD44 antigen, which is recognized by a monoclonal antibody having the identifying characteristics of the monoclonal antibody produced by ATCC clone PTA-4621, classified in class 435, subclass 7.92.

REMARKS

Applicants herein elect, without traverse, Group I (claims 1-22 and 33-40) for prosecution on the merits. Claims 23-32 are withdrawn from consideration. It is understood that claims 23-32, drawn to the non-elected inventions (Groups II and III), will remain pending, albeit withdrawn from consideration on the merits at this time. Applicants retain the right to present the non-elected claims, 23-32 in a divisional application.

Claim Status/Support for Amendments

Claims 7, 15, 18 and 35 have been amended herein. Claims 23-32 are withdrawn from consideration. Claims 1-40 remain pending in the instant application.

No new matter has been added by the amendments to the claims made herein.

Claims 7 and 18 were amended to correct an inadvertent typographical error (deletion of the word "of" after the word "catalyzing").

Claim 15 was amended for consistency of language with the preceding claims.

Claim 35 was amended for proper claim dependency (properly refers to the cytotoxic moiety of claim 34).



CONCLUSION

Now that Applicants have fully responded to the Office Action mailed on January 27, 2006, an examination on the merits is respectfully requested.

Respectfully submitted,

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